

15 AUG 1975

Honorable John C. Stennis, Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your request for comments on S. 244, a bill to amend the National Security Act of 1947 to clarify certain provisions of that Act regarding activities of the Central Intelligence Agency. The language of the bill is identical to the amendment to the Military Procurement Authorization Act of Fiscal Year 1975 (H.R. 14592, Section 703), approved by the Senate on 11 June 1974, which was the subject of my letter to you of 14 June 1974. As you know, the amendment was not approved by the conference committee.

S. 244 is very similar to the bill you introduced in the 93rd Congress--- S. 2597 (copy enclosed). In response to your letter of 25 September 1974, I assured you that the Central Intelligence Agency will abide by the letter and the spirit of the provisions of S. 2597 in the conduct of our activities even though the bill had not been enacted.

In my confirmation hearings in July 1973 and in the two letters to you referred to above, I expressed my full support for those provisions now proposed in S. 244 which insert the word "foreign" immediately before the word "intelligence" in Section 102(d) of the 1947 Act, thus clearly expressing the mission of CIA as relating only to foreign intelligence. While I believe the word "intelligence" in the original Act was generally understood to refer only to foreign intelligence, the proposed language will make this limitation even clearer to Agency employees, other Government officials, and to the public.

I also indicated in the correspondence noted above that I was pleased to accept the provisions now proposed in S. 244 concerning Section 102(d)(5) of the Act, which converts to a statutory requirement



the long-standing practice of complete congressional oversight of our activities. Pursuant to current congressional procedures, the Agency reports fully on its activities to the oversight subcommittees of the House and Senate Armed Services and Appropriations Committees, and, under the recently enacted provisions of the Foreign Assistance Act Amendments of 1974 (P.L. 93-559, Section 32), reports on non-intelligence gathering activities to the Senate Foreign Relations Committee and the House International Relations Committee. I am confident that any other congressional procedures which may be established for oversight of Agency activities will meet the necessity for effective security.

S. 244 also adds a new Section 102(g)(1) to the Act, which reiterates the existing prohibitions against any police, law enforcement, or internal-security functions. At the same time, the new section makes clear that these proscriptions do not impinge upon this Agency's appropriate domestic activities, explicitly recognizing the necessity that the CIA protect its installations, conduct personnel investigations, and provide information to other agencies. It is silent, however, on the essential need--recognized in your original bill on this subject, S. 2597--for "carrying on within the United States activities necessary to support its foreign intelligence responsibilities"

The Central Intelligence Agency must conduct activities within the United States in support of its foreign intelligence responsibilities. Of course, such activity could not contravene the proscriptions in the Act against internal-security functions, but would be solely in support of our foreign intelligence mission, such as: (a) interviewing American citizens who are willing, voluntarily and without pay, to share foreign intelligence information in their possession with their Government; (b) collecting foreign intelligence from foreigners in the United States; (c) establishing support structures necessary to foreign intelligence operations abroad; and (d) providing technical assistance to the Federal Bureau of Investigation for its counterintelligence operations against foreigners. I think it important that any enactment explicitly recognize the legitimacy of these necessary support procedures so that the sphere of this Agency's domestic activities is clearly defined.

S. 244 adds a new Section 102(g)(2) which states that the Agency shall not "participate, directly or indirectly, in any illegal activity within the United States." I believe this section is inappropriate and unnecessary.

Section 102(d)(3) of the National Security Act of 1947 charges the Director of Central Intelligence with the responsibility "for protecting intelligence sources and methods from unauthorized disclosure." As you know, Mr. Chairman, I believe that more effective deterrents are needed to prevent unauthorized disclosures of intelligence sources and methods. I am hopeful that efforts to clarify this Agency's authority will ultimately be coupled with action to protect these essential resources. The Executive branch is currently reviewing alternative proposals toward this end.

Please allow me to express my appreciation of your continuing interest in clear statutory delineation of CIA responsibilities. I wish to assure you of our understanding that the scope of this Agency's unique authority applies only to foreign intelligence and related activities.

The Office of Management and Budget advises there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

SIGNED

W. E. Colby
Director

Enclosure

Distribution:

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OLC:WPB:sk (14 Aug 75)

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Thursday - 14 August 1975

CIA INTERNAL USE ONLY

1. (Internal Use Only - DFM) LEGISLATION Called Bob Hull, State Department, to inquire whether State Department doctors were pressing for malpractice protection such as currently being considered by Congress for Armed Services medical personnel, and whether he knew of any moves within the Administration to protect all civilian Government medical personnel. Hull said he knew of no moves toward this end, but that State Department doctors were grumbling over their need for additional protection and the Department would certainly support such a move. We also discussed the issue of doctors' salaries, which Hull says is a problem at State as it is with Agency physicians. I have been in communication with of OMS about both of these problems.

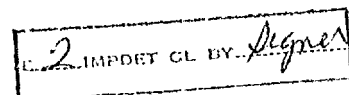
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2. (Unclassified - PLC) LEGISLATION Jim Oliver, OMB, called to inform that he would be working with Hilda Schreiber, OMB, on our proposed legislation to amend CIARDS. He said that Schreiber would be on leave for two weeks and asked that the proposal be held up since the President is expected to make a decision in the next two weeks regarding the proposed "one percent kicker" legislation. In the interim, we will submit revised pages reflecting the agreed upon pages which will facilitate securing clearance in OMB. Oliver said he would present the strongest case possible for the Agency when it is submitted to Mr. Lynn, OMB, for final clearance.

3. (Internal Use Only - PLC) FOIA Al Tarabochia, Chief Investigator of the Senate Judiciary Subcommittee on Internal Security, called and asked if we had any information on the organization, "World Council for Peace." He also asked if there had been any updating of the publication, International Communist Front Organizations prepared in 1957 which we had then provided to the Committee.

4. (Internal Use Only - RJK) FBIS Delivered to the offices of Senators Charles H. Percy (R., Ill.), Howard H. Baker, Jr. (R., Tenn.), Mike Mansfield (D., Mont.) and Jacob K. Javits (R., N.Y.) and Representatives Lester L. Wolff (D., N.Y.) and Carl Albert (D., Okla.) FBIS items in which their names were mentioned.

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25X1 [redacted]
25X1 5. [redacted] Talked with Clark McFadden, General Counsel, Senate Armed Services Committee, regarding the alert call I received from Richard Perle, on the staff of the Permanent Subcommittee on Investigations, Senate Government Operations Committee, informing us that Senator Henry Jackson (D., Wash.) would ask the Agency to sanitize the Director's testimony of 11 February 1975 before Jackson's Subcommittee of Senate Armed Services on the subject of SALT. McFadden indicated that Perle had requested and had obtained copies of this transcript (see Memo for Record).

McFadden said he and Ed Braswell, Chief Counsel of the Committee, would like to come out to Headquarters next week to see a film I had mentioned to him about one of Mr. Duckett's activities and also to get brought up to date on Soviet reconnaissance vessels. Further, McFadden is interested in being brought up to date on the status of our dealings with the Senate Select Committee and talking about future developments. I reminded McFadden that I would be out of the country for two weeks starting Monday, but [redacted]

25X1 [redacted] would be glad to be in touch with him and arrange a suitable time for such a meeting.

25X1 6. [redacted] Sat in on a briefing of Senator Thomas Eagleton (D., Mo.) and his staff aide, Brian Atwood, on India and Japan given by [redacted] OCI, in connection with Senator Eagleton's upcoming trip.

25X1 7. [redacted] Delivered to Chuck Snodgrass, staff member, House Appropriations Committee, 200 sheets of blank paper with compartmented markings.

25X1 8. [redacted] Received a call from George Gilbert, OMB, who approved our report on S. 244 subject to minor changes. These changes are satisfactory from the Agency's point of view.

25X1 9. [redacted] Received several calls during the day from Hilda Schreiber, OMB, who raised a number of questions to the funding section in the Agency's proposed legislation to amend CIARDS. After a discussion with [redacted] Comptroller, and Jim Oliver, OMB, I called Schreiber and she withdrew her objections. I confirmed with Schreiber the changes she had suggested to date which she had agreed to, this included the added sentence to the funding proposal requiring the submission of the report to the President and the Congress as to the funds expended.

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14. (Internal Use Only - LLM) Advised Bill Weaver, OGC, OMB, that our response to the FOIA request on the views letter of 22 December 1956 by Director Dulles on Section 305 of the Communications Act of 1934, would be negative and it was agreed that we would address a written response in this regard to Mr. Nichols, General Counsel/OMB. Weaver asked if it was possible that we would consider release of the last paragraph on page two of the letter dealing with the minimal impact of the legislation on the real as opposed to principle impact on commercial carriers. I said I would pass on his request to our Freedom of Information Coordinator. [redacted] FOIA, was advised.

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GEORGE L. CARY
Legislative Counsel

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cc:
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[redacted]
Ex. Sec.
DDI
DDA
DDS&T
Mr. Warner
Mr. Thuermer
Mr. Parmenter
IC Staff
EA/DDO
Compt